

By: Tommy Sykes

S.B. No. 443

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of industrialized buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. <sup>Subdivision (2),</sup> Section 1202.001~~(2)~~, Occupations Code, is amended to read as follows:

(2) "Construction site [~~office~~] building" means a commercial structure that is:

(A) not open to the public; and

(B) used for any purpose [~~as an office~~] at a commercial site by a person constructing a building, road, bridge, utility, or other infrastructure or improvement to real property.

SECTION 2. <sup>Subsection (d),</sup> Section 1202.003~~(2)~~, Occupations Code, is amended to read as follows:

(d) An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include:

(1) a commercial structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof; or

(2) a commercial building or structure that is:

(A) installed in a manner other than on a permanent foundation; and

(B) either:

1                    (i) not open to the public; or  
2                    (ii) less than 1,500 square feet in total  
3 area and used other than as a school or a place of religious  
4 worship.

5            SECTION 3. Section 1202.203, Occupations Code, is amended  
6 by amending Subsection (b) and adding Subsection (d) to read as  
7 follows:

8            (b) An approved third-party inspector shall perform on-site  
9 inspections of industrialized housing [~~and buildings~~] to be located  
10 outside the municipality.

11           (d) If required by commission rule, an approved third-party  
12 inspector shall perform on-site inspections of industrialized  
13 buildings to be located outside the municipality.

14           SECTION 4. <sup>Subsection (b),</sup> Section 1202.204~~(b)~~, Occupations Code, is  
15 amended to read as follows:

16           (b) The commission by rule shall exempt a construction site  
17 [~~office~~] building from the requirements of this section.

18           SECTION 5. <sup>Subsection (c),</sup> Section 1202.003~~(c)~~, Occupations Code, is  
19 repealed.

20           SECTION 6. The changes in law made by this Act apply to any  
21 building or structure at a commercial site regardless of the date of  
22 installation of that building or structure.

23           SECTION 7. This Act takes effect September 1, 2005.

## **BILL ANALYSIS**

Senate Research Center  
79R346 KEL-D

S.B. 443  
By: Staples  
Business & Commerce  
3/23/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

As proposed, S.B. 443 corrects unintended consequences from changes made to Section 1202.003, Occupations Code by S.B. 279, 78th Legislature, Regular Session. The original intent was to establish a state inspection process for buildings which could be transported from one municipality to another without requiring inspection from a municipality with different building codes. However, when the definition of "industrialized buildings" changed, it had the effect of requiring every industrialized building to be built to state specifications and requiring a state inspection. S.B. 443 meets the original intent of the retail industry, which first requested the changes in the Industrialized Housing and Building Code, without placing undue burden on the industrialized building manufacturers and adding costs to consumers. Further, S.B. 443 prevents the unnecessary expenditure of state dollars in inspecting private buildings with minimal public exposure.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1202.001(2), Occupations Code, to define "construction site building," rather than "construction site office building."

SECTION 2. Amends Section 1202.003(d), Occupations Code, to specify which structures are not included in the classification of an industrialized building.

SECTION 3. Amends Section 1202.203, Occupations Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires an approved third-party inspector to perform on-site inspections of industrialized housing, rather than housing and buildings, to be located outside the municipality.

(d) Requires an approved third-party inspector, if required by Texas Commission of Licensing and Regulation rule, to perform on-site inspections of industrialized buildings to be located outside the municipality.

SECTION 4. Amends Section 1202.204(b), Occupations Code, to make a conforming change.

SECTION 5. Repealer: Section 1202.003(c) (regarding structures not included in the definition of industrialized housing), Occupations Code.

SECTION 6. Provides that the changes in law made by this Act apply to any building or structure at a commercial site regardless of the date of installation of that building or structure.

SECTION 7. Effective date: September 1, 2005.

By: Staples S.B. No. 443  
(In the Senate - Filed February 10, 2005; February 15, 2005,  
read first time and referred to Committee on Business and Commerce;  
April 11, 2005, reported favorably by the following vote: Yeas 9,  
Nays 0; April 11, 2005, sent to printer.)

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SECTION 3. Section 1202.203, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) An approved third-party inspector shall perform on-site inspections of industrialized housing ~~[and buildings]~~ to be located outside the municipality.

(d) If required by commission rule, an approved third-party inspector shall perform on-site inspections of industrialized buildings to be located outside the municipality.

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SECTION 6. The changes in law made by this Act apply to any building or structure at a commercial site regardless of the date of installation of that building or structure.

SECTION 7. This Act takes effect September 1, 2005.

\* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 443  
By Staples  
(Author/Senate Sponsor)  
April 11, 2005  
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure, have on April 5, 2005, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

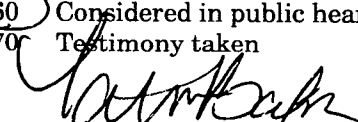
- (x) do pass and be printed  
( ) do pass and be ordered not printed  
(x) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (x) yes ( ) no  
A revised fiscal note was requested. ( ) yes (x) no  
An actuarial analysis was requested. ( ) yes (x) no  
Considered by subcommittee. ( ) yes (x) no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	✓			
Senator Kip Averitt, Vice-Chairman	✓			
Senator Ken Armbrister	✓			
Senator Kim Brimer	✓			
Senator John Carona	✓			
Senator Kevin Eltife	✓			
Senator Craig Estes	✓			
Senator Eddie Lucio	✓			
Senator Leticia Van de Putte	✓			
TOTAL VOTES	9			

COMMITTEE ACTION

S260 Considered in public hearing  
S270 Testimony taken  


COMMITTEE CLERK

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

  
CHAIRMAN

WITNESS LIST

SB 443

SENATE COMMITTEE REPORT

Business & Commerce

April 5, 2005 - 9:00AM

Registering, but not testifying:

On: Kuntz, William H. (Texas Department of Licensing and Regulation), Austin, TX

## **BILL ANALYSIS**

Senate Research Center  
79R346 KEL-D

S.B. 443  
By: Staples  
Business & Commerce  
3/23/2005  
As Filed

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SECTION 7. Effective date: September 1, 2005.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**February 25, 2005**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB443** by Staples (Relating to the regulation of industrialized buildings.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, RR



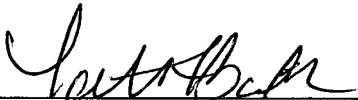
# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

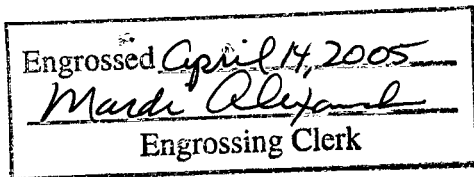
Notice is hereby given that SB 443, by Staples,  
(Bill No.) (Author/Sponsor)

was heard by the Committee on Business and Commerce on April 5,  
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**



I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

By: Staples  
(Blake)

S.B. No. 443

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**Austin, Texas**

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**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** SB443 by Staples (Relating to the regulation of industrialized buildings.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, RR

# HOUSE COMMITTEE REPORT

05 MAY 13 PM 9:25  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Staples  
(Blake)

S.B. No. 443

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# COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

May 11, 2005  
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred SB443 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☐ yes ☒ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Roy Blake, Jr.

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Flores, Chair	X			
Geren, Vice-chair	X			
Chisum	X			
Goolsby	X			
Hamilton	X			
Homer	X			
Jones, D.	X			
Morrison				X
Quintanilla	X			

Total

8 aye  
0 nay  
0 present, not voting  
1 absent

  
CHAIR

## **BILL ANALYSIS**

S.B. 443  
By: Staples  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

S.B. 443 corrects unintended consequences from changes made to Section 1202.003, Occupations Code by S.B. 279, 78(R) Legislature. The original intent was to establish a state inspection process for buildings which could be transported from one municipality to another without requiring inspection from a municipality with different building codes. However, when the definition of "industrialized buildings" changed, it had the effect of requiring every industrialized building to be built to state specifications and requiring a state inspection.

S.B. 443 meets the original intent of the retail industry, which first requested the changes in the Industrialized Housing and Building Code, without placing undue burden on the industrialized building manufacturers and adding costs to consumers. Further, S.B. 443 prevents the unnecessary expenditure of state dollars in inspecting private buildings with minimal public exposure.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Section 1202.001(2), Occupations Code, to define "construction site building," rather than "construction site office building," to mean a commercial structure that is used for any purpose, rather than as an office, at a commercial site by a person constructing a building, road, bridge, utility, or other infrastructure or improvement to real property.

SECTION 2. Amends Section 1202.003(d), Occupations Code, to specify that the classification of an industrialized building does not include:

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- (2) a commercial building or structure that is;
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SECTION 4. Amends Section 1202.204(b), Occupations Code, to make a conforming change.

S.B. 443 79(R)



**SECTION 5. Repealer: Section 1202.003(c) (regarding structures not included in the definition of industrialized housing), Occupations Code.**

**SECTION 6. Provides that the changes in law made by this Act apply to any building or structure at a commercial site regardless of the date of installation of that building or structure.**

**SECTION 7. Effective date: September 1, 2005.**

**EFFECTIVE DATE**

**September 1, 2005.**

SUMMARY OF COMMITTEE ACTION

SB 443

May 11, 2005 7:00PM

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Considered in formal meeting

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

3  
r

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**February 25, 2005**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** SB443 by Staples (Relating to the regulation of industrialized buildings.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

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**Source Agencies:** 452 Department of Licensing and Regulation

**LBB Staff:** JOB, JRO, MW, RR

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S.B. No. 443

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 443 passed the Senate on April 14, 2005, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 443 passed the House on May 20, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**February 25, 2005**

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**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

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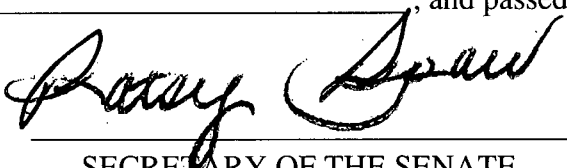
S.B. No. 443

By Staples

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FEB 10 2005 Filed with the Secretary of the Senate  
FEB 15 2005 Read and referred to Committee on BUSINESS AND COMMERCE  
APR 11 2005 Reported favorably \_\_\_\_\_  
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.  
Ordered not printed  
Laid before the Senate  
APR 14 2005 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
APR 14 2005 Read second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
APR 14 2005 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nays.  
APR 14 2005 Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
31 yeas, 0 nays  
  
SECRETARY OF THE SENATE

OTHER ACTION:

April 14, 2005 Engrossed  
\_\_\_\_\_  
Sent to House

Engrossing Clerk Mardi Alexander

APR 18 2005 Received from the Senate  
APR 19 2005 Read first time and referred to Committee on Licensing & Administrative Procedures  
MAY 13 2005 Reported \_\_\_\_\_ favorably (~~as amended~~) (~~as amended~~)  
MAY 16 2005 Sent to Committee on (~~Commerce~~) (Local & Consent Calendars)  
MAY 20 2005 Read second time (~~as amended~~) (~~as amended~~); passed to third reading (~~failed~~) by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.  
MAY 20 2005 Read third time (~~as amended~~); finally passed (~~failed to pass~~) by a (non-record vote) (~~record vote of~~ \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
MAY 20 2005 Returned to Senate.  
MAY 20 2005 Returned from House without amendment.  
Returned from House with \_\_\_\_\_ amendments.  
Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

  
CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

OTHER ACTION:

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

05 MAY 13 PM 9 25  
HOUSE OF REPRESENTATIVES